

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KIMBERLY ROSEBERRY,
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

CASE NO.: 1:14-cv-862

Barrett, J.
Litkovitz, M.J

ORDER

This matter is before the Court on the Joint Motion for Remand (Doc. 22). Upon consideration and for good cause shown, the Joint Motion (Doc. 22) is hereby **GRANTED**. The case shall be **REMANDED** for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

On remand, the Administrative Law Judge shall reevaluate and weigh Dr. Owen's instructions regarding Plaintiff's need to elevate the legs using all the factors set forth in 20 C.F.R. § 404.1527(c), and if necessary, contact Dr. Owens to clarify her opinion. The ALJ shall also reevaluate Plaintiff's RFC and any evidence of Plaintiff's dyspnea and need to use oxygen. The ALJ should ask Plaintiff to explain any gap in treatment or failure to receive treatment as it relates to the credibility of Plaintiff's reports of functional limitations caused by her urinary incontinence and to her credibility more generally. Finally, the ALJ shall offer Plaintiff the opportunity for a hearing and to submit additional evidence, take further action to complete the administrative record resolving the above issues, and if necessary, obtain further testimony from Plaintiff and a vocational expert, and issue a new decision.

IT IS SO ORDERED.

s/ Michael R. Barrett
JUDGE MICHAEL R. BARRETT
UNITED STATES DISTRICT COURT